

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ARY JEWELERS, LLC,

 Plaintiff,

 v.

 IBJTC BUSINESS CREDIT CORPORATION
 and DAVID MOLINARIO,

 Defendants.

Civil Action No. 04-10281-EFH

**DEFENDANT IBJTC BUSINESS CREDIT CORP.'S OPPOSITION TO PLAINTIFF'S
MOTION FOR RECONSIDERATION OF ORDER
DENYING MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

Plaintiff's motion to compel is the **fourth time** it has moved since fact discovery closed on **June 15, 2005**, concerning a document request that was served and fully responded to more than two years ago. As it did in each of its prior motions, plaintiff claims, incorrectly, that documents were improperly withheld by defendants. Plaintiff's three prior motions addressed the same document request identified in its current motion and sought the very same relief plaintiff now seeks. On each of the three prior occasions, the Court **denied** ARY's motion—the Court's most recent decision was docketed on June 19, 2006. Plaintiff's present motion ploughs the same ground raising no new issues of law or fact. Rather than re-brief the issue, IBJ hereby incorporates its prior submissions and attaches hereto a copy of IBJ's June 1, 2006, opposition to ARY's third motion (Exhibit A) and the Court's June 19, 2006 Order (Exhibit B), denying the third request. IBJ respectfully requests that the Court similarly deny this motion.

Dated: October 16, 2006

ROPES & GRAY LLP

By: /s/ Christopher Dillon
Robert S. Fischler (Admitted *Pro Hac Vice*)
Christopher R. Dillon (BBO No. 640896)

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CERTIFICATE OF SERVICE

I, Christopher R. Dillon, hereby certify that, pursuant to Fed. R. Civ. P. 5.4(c), a true copy of this document was electronically served upon counsel of record for the plaintiff in this action on October 16, 2006, after the close of business.

By: /s/ Christopher Dillon
Christopher R. Dillon (BBO No. 640896)